THE HON'BLE SRI JUSTICE C.V. RAMULU

Friday, 5th day of October,2007

W.P.No.20689 of 2005

Between:-

G. Krishna & another … Petitioners

and

The Project Officer & Dist.T.B.
Control Officer, Medak District,
Sangareddy and another … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.20689 of 2005

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus to declare the Notification dated 22-8-2005 issued by the 2nd respondent calling for applications from freshers for the post of Lab Technician as arbitrary and illegal and consequently to direct the respondents to continue the petitioners in service.

It appears, the petitioners were appointed as Lab Technicians vide Proceedings of the 2nd respondent dated 20-5-2004 dated 14-12-2004 respectively. Both of them underwent training and working continuously as such. While that being so, the impugned Notification has been issued inviting applications from the eligible candidates for the posts of Senior Treatment Supervisor (STS), Senior Tuberculosis Lab Supervisor (STLS) and Lab Technicians (LT) at Mcroscopy Centre in Medak District. According to the petitioners, they are working for the last one year (as on the date of filing the Writ Petition) and they are entitled to be continued, since they satisfy the criteria, such as, age, educational qualifications etc. In spite of the fact that the petitioners are qualified and eligible to hold the post of Lab Technician, the respondents have not considered their case for regular appointment and issued the impugned Notification.

While admitting the Writ Petition on 21-9-2005, this Court passed an interim order directing the respondents to consider the case of the

petitioners for the post notified along with others and until the finalization of the appointments, petitioners shall not be disturbed from the present post. It appears, in pursuance of the said interim directions, the petitioners were also called for interview for the post of Lab Technician, along with others. According to the learned counsel for the petitioners, petitioners were not selected, but others were selected.

In view of the fact that the petitioners were not selected, they are not entitled for appointment. Further, they have no right whatsoever for giving preferential treatment in the appointments or regularization or continuation of their services in the Department automatically. Petitioners have not made out any case to interfere with the impugned Notification issued by the 2nd respondent calling for applications for appointment to the post of Lab Technician. The Writ Petition is devoid of any merit and is liable to be dismissed.

It is brought to the notice of this Court that insofar as the 1st petitioner is concerned, the cause in the Writ Petition has become infructuous, since he has left the organization long ago.

Accordingly, the Writ Petition is dismissed. However, this will not preclude the respondents from considering the case of the 2nd petitioner for engaging him as Lab Technician. No order as to costs.

05-10-2007

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